

By: Creighton

S.B. No. 22

A BILL TO BE ENTITLED

1 AN ACT

2 relating to identification requirements for early voting by mail.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 84.001(b), Election Code, is amended to  
5 read as follows:

6 (b) An application must be in writing and signed by the  
7 applicant using ink on paper. An electronic signature or  
8 photocopied signature is not permitted.

9 SECTION 2. Section 84.002, Election Code, as effective  
10 September 1, 2021, is amended by amending Subsection (a) and adding  
11 Subsection (d) to read as follows:

12 (a) An early voting ballot application must include:

13 (1) the applicant's name and the address at which the  
14 applicant is registered to vote;

15 (1-a) the following information:

16 (A) the number of the applicant's driver's  
17 license or personal identification card issued by the Department of  
18 Public Safety that has not expired or that expired no earlier than  
19 four years before the date of application; or

20 (B) if the applicant has not been issued a number  
21 described by Paragraph (A), the last four digits of the applicant's  
22 social security number;

23 (2) for an application for a ballot to be voted by mail  
24 on the ground of absence from the county of residence, the address

1 outside the applicant's county of residence to which the ballot is  
2 to be mailed;

3 (3) for an application for a ballot to be voted by mail  
4 on the ground of age or disability, the address of the hospital,  
5 nursing home or other long-term care facility, or retirement  
6 center, or of a person related to the applicant within the second  
7 degree by affinity or the third degree by consanguinity, as  
8 determined under Chapter 573, Government Code, if the applicant is  
9 living at that address and that address is different from the  
10 address at which the applicant is registered to vote;

11 (4) for an application for a ballot to be voted by mail  
12 on the ground of confinement in jail, the address of the jail or of a  
13 person related to the applicant within the degree described by  
14 Subdivision (3);

15 (5) for an application for a ballot to be voted by mail  
16 on any ground, an indication of each election for which the  
17 applicant is applying for a ballot;

18 (6) an indication of the ground of eligibility for  
19 early voting; and

20 (7) for an application for a ballot to be voted by mail  
21 on the ground of involuntary civil commitment, the address of the  
22 facility operated by or under contract with the Texas Civil  
23 Commitment Office or of a person related to the applicant within the  
24 degree of consanguinity described by Subdivision (3).

25 (d) A person 70 years of age or older may use the number of a  
26 driver's license or personal identification card that has expired  
27 for the purpose of fulfilling the requirement under Subsection

1 (a)(1-a) if the license or identification is otherwise valid.

2 SECTION 3. Section 84.011(a), Election Code, as effective  
3 September 1, 2021, is amended to read as follows:

4 (a) The officially prescribed application form for an early  
5 voting ballot must include:

6 (1) immediately preceding the signature space the  
7 statement: "I certify that the information given in this  
8 application is true, and I understand that giving false information  
9 in this application is a crime.";

10 (2) a statement informing the applicant of the  
11 offenses prescribed by Sections 84.003 and 84.004;

12 (3) spaces for entering an applicant's voter  
13 registration number and county election precinct of registration,  
14 with a statement informing the applicant that failure to furnish  
15 that information does not invalidate the application;

16 (3-a) a space for entering the information required  
17 under Section 84.002(a)(1-a); and

18 (4) on an application for a ballot to be voted by mail:

19 (A) a space for an applicant applying on the  
20 ground of absence from the county of residence to indicate the date  
21 on or after which the applicant can receive mail at the address  
22 outside the county;

23 (B) a space for indicating the fact that an  
24 applicant whose application is signed by a witness cannot make the  
25 applicant's mark and a space for indicating the relationship or  
26 lack of relationship of the witness to the applicant;

27 (C) a space for entering an applicant's telephone

1 number, with a statement informing the applicant that failure to  
2 furnish that information does not invalidate the application;

3 (D) a space or box for an applicant applying on  
4 the ground of age or disability to indicate that the address to  
5 which the ballot is to be mailed is the address of a facility or  
6 relative described by Section 84.002(a)(3), if applicable;

7 (E) a space or box for an applicant applying on  
8 the ground of confinement in jail or involuntary civil commitment  
9 to indicate that the address to which the ballot is to be mailed is  
10 the address of a relative described by Section 84.002(a)(4) or (7),  
11 if applicable;

12 (F) a space for an applicant applying on the  
13 ground of age or disability to indicate if the application is an  
14 application under Section 86.0015;

15 (G) spaces for entering the signature, printed  
16 name, and residence address of any person assisting the applicant;

17 (H) a statement informing the applicant of the  
18 condition prescribed by Section 81.005; and

19 (I) a statement informing the applicant of the  
20 requirement prescribed by Section 86.003(c).

21 SECTION 4. Section 86.001, Election Code, is amended by  
22 adding Subsection (f) to read as follows:

23 (f) If the information required under Section  
24 84.002(a)(1-a) included on the application does not match the  
25 information on the applicant's application for voter registration  
26 under Section 13.002(c)(8), the clerk shall reject the application.

27 SECTION 5. Section 86.002, Election Code, is amended by

1 adding Subsections (g), (h), and (i) to read as follows:

2 (g) The carrier envelope must include a space that is hidden  
3 from view when the envelope is sealed for the voter to enter the  
4 following information:

5 (1) the number of the voter's driver's license or  
6 personal identification card issued by the Department of Public  
7 Safety that has not expired or that expired no earlier than four  
8 years before the date of presentation; or

9 (2) if the voter has not been issued a number described  
10 by Subdivision (1), the last four digits of the voter's social  
11 security number.

12 (h) A person 70 years of age or older may use the number of a  
13 driver's license or personal identification card that has expired  
14 for purposes of Subsection (g) if the license or identification is  
15 otherwise valid.

16 (i) No record associating an individual voter with a ballot  
17 may be created.

18 SECTION 6. Section 87.041(b), Election Code, is amended to  
19 read as follows:

20 (b) A ballot may be accepted only if:

21 (1) the carrier envelope certificate is properly  
22 executed;

23 (2) neither the voter's signature on the ballot  
24 application nor the signature on the carrier envelope certificate  
25 is determined to have been executed by a person other than the  
26 voter, unless signed by a witness;

27 (3) the voter's ballot application states a legal

1 ground for early voting by mail;

2 (4) the voter is registered to vote, if registration  
3 is required by law;

4 (5) the address to which the ballot was mailed to the  
5 voter, as indicated by the application, was outside the voter's  
6 county of residence, if the ground for early voting is absence from  
7 the county of residence;

8 (6) for a voter to whom a statement of residence form  
9 was required to be sent under Section 86.002(a), the statement of  
10 residence is returned in the carrier envelope and indicates that  
11 the voter satisfies the residence requirements prescribed by  
12 Section 63.0011; ~~and~~

13 (7) the address to which the ballot was mailed to the  
14 voter is an address that is otherwise required by Sections 84.002  
15 and 86.003; and

16 (8) the information required under Section 86.002(g)  
17 provided by the voter matches the information on the voter's  
18 application for voter registration under Section 13.002(c)(8).

19 SECTION 7. The changes in law made by this Act apply only to  
20 an application to vote an early voting ballot by mail submitted on  
21 or after the effective date of this Act. An application to vote an  
22 early voting ballot by mail submitted before the effective date of  
23 this Act is governed by the law in effect when the application was  
24 submitted, and the former law is continued in effect for that  
25 purpose.

26 SECTION 8. This Act takes effect December 1, 2021.